



NEWS

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SUMMARY OF CASES ACCEPTED DURING WEEK OF JANUARY 21, 2002

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#02-11 Metropolitan Water Dist. of Southern California v. Superior Court, S102371. (B148446, B148451; 92 Cal.App.4th 1112, mod. 93 Cal.App.4th 1158d.)
Petition for review after the Court of Appeal denied petitions for peremptory writ of mandate. This case includes the issue of whether a local agency that contracts with the California Public Employment Retirement System (CalPERS) is obligated to enroll in CalPERS those employees who are paid and formally employed by a private contract service provider but who, under common law principles, would ordinarily be considered employees of the local agency.

#02-12 People v. Stanistreet, S102722. (B143501; 93 Cal.App.4th 469, mod. 93 Cal.App.4th 1158j.) Petition for review after the Court of Appeal reversed judgments of conviction of criminal offenses. This case includes the issue of whether Penal Code section 148.6, which defines the misdemeanor offense of making a false allegation of misconduct against any peace officer, is, on its face, unconstitutional under the First Amendment.

#02-13 Granados v. Superior Court, S102999. (B150390; unpublished opinion.)
Petition for review after the Court of Appeal granted a petition for peremptory writ of

(over)

mandate. The court ordered briefing deferred pending decision in Little v. Auto Stiegler, Inc., S101435 (01-165), which concerns (1) whether the minimum procedural requirements for arbitration of claims of employment discrimination under the Fair Employment & Housing Act (Gov. Code, § 12900 et seq.) established in Armendariz v. Foundation Health Psychcare Services, Inc. (2000) 24 Cal.4th 83 apply to the arbitration of a claim for wrongful termination in violation of public policy, and (2) whether a mandatory employment arbitration agreement, which requires review by a second arbitrator of any award in excess of \$50,000 and requires the employee to pay a pro rata share of arbitration costs, is unconscionable.

#02-14 People v. Martinez, S102711. (H021773; 93 Cal.App.4th 481.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in People v. Engelman, S086462 (#00-49), which presents issues concerning the effect of CALJIC No. 17.41.1 on a defendant's right to trial by jury.

DISPOSITION

#01-61 People v. Keller, S096233, was dismissed and remanded to the Court of Appeal.

STATUS

#01-47 Bird v. Saenz, S095474. The court vacated the order of May 16, 2001, limiting review, and ordered review limited to the issue of whether defendants' motion for summary judgment was properly granted on plaintiffs' claim for negligent infliction of emotional distress.

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